

REMARKS

Claim 15 has been canceled without prejudice or disclaimer, since it is superfluous in view of claim 7, and the invention is adequately protected by the retained claims, which are 1-3, 5-7, 9-14, 16 and 17. Claim 1 is independent, and each of the other claims presented depends directly or indirectly on claim 1. The claims as amended define the invention more precisely, and favorable reconsideration of them is respectfully requested.

The claims are rejected under 36 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner notes a lack of antecedent basis in claim 1, states that the argument that modified polyphenyleneether refers to a blend of PPE with polystyrene is not commensurate with the claims, and notes that claim 15 depends on a canceled claim.

The rejection is respectfully traversed. The term "said" has been amended to read "a" at the point where the polymer alloy sheet is introduced in claim 1. The term "modified polyphenyleneether" has been amended to read "polyphenyleneether modified by the addition of a polystyrene group resin." Claim 15 has been canceled, as indicated above.

Withdrawal of the rejection is therefore respectfully traversed.

The claims are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. patent 6,045,883 (Akiyama et al.), "as per reasons of record." The examiner states on page 3 of the Office action that the preamble is entitled to no patentable weight and explains at page 4 that "...no difference, structurally or chemically, can be seen between the sheets of Akiyama et al and those defining the presently claimed masking members."

The rejections are respectfully traversed. The claims have been amended by amendment of independent claim 1 to convert the preamble to a positive recitation of a feature disclosed in the specification under the heading "EMBODIMENTS" beginning on page 10 and illustrated in the figures of the drawing. The amended claims are clearly patentable over the art that the Office action relies upon to support the rejections.

Claim 1 as amended is directed to a masking member having a shape that conforms to the shape of a predetermined part of an article, so that the masking member can be fitted to the predetermined part to prevent a coating from being applied to that part. The masking member comprises a polymer alloy having a sea-island structure in which polyolefin forms a continuous phase and polyphenyleneether and/or polyphenyleneether modified by the addition of a polystyrene group resin forms a dispersed phase. The masking member is manufactured by vacuum and/or pressure forming of a polymer alloy sheet.

The invention as defined by the amended claims is neither disclosed nor suggested by Akiyama et al. That patent fails to disclose or suggest a masking member having a shape that conforms to the shape of a predetermined part of an article. It equally fails to disclose or suggest a masking member that can be fitted to the predetermined part to prevent a coating from being applied to that part.

The amended claim language addresses the examiner's point that there is no difference between the structure of the sheets of Akiyama et al. and the structure of applicant's masking member as previously claimed. Shape is a salient feature of physical structures as varied as proteins, jigsaw puzzles, faces, terrain and galaxies. Shape has long been recognized as an important feature in patent disclosures and claims. On May 2, 2006, the advanced search facility

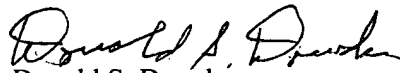
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of the USPTO Web site produced over one million hits subsequent to 1975 using the query
“spec/shape.”

The claims as amended define a structure that the Akiyama et al. patent does not even hint at. The patent therefore fails to support a rejection of the amended claims under 35 U.S.C. 102(b) or 103(a). Withdrawal of the rejections is respectfully requested.

There being no further objections or rejections, the application is in condition for allowance. Issuance of a notice of allowance of respectfully requested.

Respectfully submitted,
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